

### **DECLARATION OF JOHN C. FREEMAN**

1. I, John C. Freeman, declare that I am patent counsel for William Beaumont Hospital of 3601 West Thirteen Mile Road, Royal Oak, Michigan 48073-6769.

2. U.S. Patent Application Serial No. 09/788,335 ("the '335 application") was filed on February 16, 2001. The '335 application was by David A. Jaffray et al. and entitled "Cone-Beam Computerized Tomography with a Flat-Panel Imager."

3. William Beaumont Hospital presently is the assignee of the '335 application.

4. William Beaumont Hospital has given me the power to prosecute the '335 application as evidenced by the Power of Attorney filed in the '335 application on November 2, 2001, a copy of which is attached hereto as Exhibit 1.

5. The '335 application was filed on February 16, 2001 without a Declaration and without payment of the filing fee and the additional claims fee.

6. A Notice to File Missing Parts of Nonprovisional Application (hereinafter called "the Missing Parts Notice") was mailed by the U.S. Patent Office on April 2, 2001 (Exhibit 2). The Missing Parts Notice indicated that the filing fee, additional claims fee and a Declaration were missing from the application filed on February 16, 2001. The Missing Parts Notice also indicated that the drawing sheets filed on February 16, 2001 did not have appropriate margins.

7. On November 2, 2001, I filed a Declaration for the '335 application and paid the filing fee, additional claims fee and the surcharge for late submission of the requested items. I filed for a five month extension of time to reply to the Missing Parts Notice. I, however, did not file drawings with appropriate margins on November 2, 2001. A copy of a transmittal letter evidencing the materials filed on November 2, 2001 is attached hereto as Exhibit 3.

8. On January 22, 2002, a Notice of Incomplete Reply (Nonprovisional) (Exhibit 4) was mailed that indicated the filing on November 2, 2001 was incomplete for failing to provide drawings with appropriate margins. The final possible date to respond to the Notice of Incomplete Reply (Nonprovisional) was November 2, 2001. Thus, the '335 application is technically abandoned.

9. On or before November 2, 2001, I inadvertently failed to file drawings with appropriate margins for the '335 application. This failure to file was unintentional on my part.

10. I hereby state that the entire delay in filing the drawings with appropriate margins from the initial due date of June 2, 2001 until the filing of the Petition under 37 CFR § 1.137 for Revival of the '335 application being filed concurrently with this Declaration was unintentional on my part.

11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful and false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the above-captioned patent.

Date: March 14, 2002

John C. Freeman  
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